

THE  
SECOND PART  
OF THE  
HISTORY  
OF  
ROGER

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DUBLIN;

Printed in the Year, 1752.

SECOND PART

OF THE

HISTORY



ROGER

THE  
MUSEUM

DUBLIN

Printed by the Year 1794



May it please Your E——y,

**A** S it is scarce possible for K——s, or other Representatives, or Ministers, in their High Stations, to see distinctly, the Actions, and Motions, of every subordinate Spring or Wheel, that constitutes the general Frame of Civil Government, tho' the first Motion is derived from them, I conceive, it becomes the indispensable Duty of every good Subject, or Well-wisher to the Establishment, to inform those, in whose Power it is, to regulate the Motions of the great Machine of State, of every Clog, or Obstacle given the slightest or remotest Movement of the whole Frame; which, if not set to Rights, must, infallibly, sooner or later, reduce the whole System to Confusion and final Dissolution.

Your E——y may know, that Divines and L——s are, in one Instance, agreed; in the Definition of a Body politic; which is said to be a sacitious Body of Men, bearing close analogy to the Body natural. It consists of a Head and Members, destined to different Uses and purposes; wight proper Rights and Liberties, as Ligaments to connect, and mutually, to support the Whole, and Laws, as the Soul or vivifying Spirit of the Constitution.

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No Scheme, of human Invention, ever formed such a Constitution as Ours. Where Art is found most to emulate Nature, there it is allowed to be in the highest Perfection. That Policy, then, cements the several Members, of which Society consists, most closely together, and gives them the nearest Co-leration to, and the strongest mutual Dependance on, each other, must certainly constitute the firmest and best Form of Government. And this is ours. The Head cannot subsist without the Members, more than the Members without the Head. No Part can receive a Wound, or Injury, that does not effect the Whole; and, as to keep the Body natural, in an healthful, vigorous State, it is necessary to keep it in Temperance, and Chastity, and to support every Member or Organ, in a full, free and perfect Exercise of its respective Function, by a due, equal Distribution of Blood and animal Spirits, to every Part; so, in our Body Politick, to preserve the Common Weal, there must be Frugality in the publick Expences, and strict Virtue in the whole Oeconomy. The Head and Members must be kept within their proper Spheres, strictly, and in their several



veral Stations, obliged to watch over, and regulate the Motions, and minister to the Exigencies, of each other, In short, to perfect good Oeconomy in the one, and good Government in the other every Part of the Whole must execute its Function regularly and freely ; having the general Good alone in View ; without envying, repining, or murmuring, that one Part is destined to higher and more honourable, or more base Offices, than the other,

The Head of our Political Body, like that of the natural, is appointed to preside over the Members, and is furnished with Means to prevent Injuries, and to redress Grievances, of Subjects, as of the Limbs or Organs ; in Return for their Supplies, and Ministry. In both, it is weak or wicked if it neglects it's Duty, after due Information. And this is my Judgment, makes it the Duty of every Subject to inform the K—— or his Officers, of every Injury done to the meanest Member of the Community ; that Law and Justice may freely flow through, and be equally distributed to all. On this the very Being of our Happy Constitution depends

Upon these Principles, My L—— I proceed, do not appear in your L—— Presence, to join with, or make Part of  
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the splendid Throng that pays the same Court to your Power, that the Judicious and Independent must ever pay to Merit, in any Station. Such flocked alike, about the worst of your Predecessors, as the best; and poured forth Torrents of sullen Flattery, and lavish, baneful Adulation, alike to both. For my Part, I scorn and disdain the hateful Herd of Panders and Parasites, that infest Courts to Poison the Ears of Princes, in order to gain some sordid, selfish Ends. Such Temporisers, like wicked Servants in a Family, seek but to gratify themselves, at all Hazards to the State, falsely judging it will outlast their Time. I hope there are, now, none such the product of this Isle.

But I, My L—— dread not, half so much, the Dissolution of my own Frame, as I do that of the Constitution of my Country; which, I think, evidently appears to be in a declining State. Therefore, regardless of What it may involve me in, as to mine own Person, I shall cast my Mite into the Public Funds, by giving Your E——y such Informations, as, I think, must conduce, if regarded, to the publick Weal.

Two Motives have principally induced me, at this Time, to publish the following Papers. They were wrote, some  
Years



Years since, with intent to be laid before the G——— Some politic Friends dissuaded me from the Undertaking, judging it but a vain Attempt, and putting me in mind of the usual hapless Fate of Reformers, which I had, in some Degree, before, suffered. I was the easier wrought on, because I well remembred, how this poor Nation was often scourged by the Tyrannical Administration of some Governors and Ministers of most infamous Memory; such were Strafford, Barkley, Esher, Tyreconnell and others I could name. To such as laboured to inflame the whole Nation, Applications for common Right, or Liberty would be construed Treason. But thank God, and and the Fatherly Care of his present Majesty, The Wounds, given by those corrupt Ministers, have been, as far, as they were laid open, happily healed, by some late Governors, whom to avoid the Imputation of Flattery, I shall not name. And I must presume, without intending a Compliment, that Courage and Loyalty, Truth and Liberty, can never be Crimes under the Administration of one, who has eminently distinguished himself, in long, perilous and faithful Services to his Country, as well in the Councils, as the Field. *Is Varr*  
*lour;*

four, Wisdom, and Probity be, as is universally allowed; essential Parts of Your Excellency's Character: from these, all that is desirable, common Justice, a speedy Restitution of usurped Rights and Liberties, and a free and equal Distribution of Laws are to be hoped.

But my L—— I am not more solicitous for the Success of this Complaint, than for the acquitting mine own Conscience. Some Years ago, I dreaded nothing more, from the general Depravity, visible to all that are not blinded with Offices or prospect of Preferment, than outliving the Constitution of my Country. Now mine own is reduced, by a chronic, hereditary Disease, to such Infirmary, that all that Anxiety is pretty much abated. But I should not die in Peace, could I not say to my self I have finished my Course, I have fought a good Fight: I have left no just or rational Means untried, to reclaim the Abuses, that threatened the Ruin of my Country.— Thus, therefore, I throw the Burden off my self; and contenting me, with having done all the Good in my Power, I leave the Event to your Excellency, or to Heaven.

The two great Bulwarks of our Constitution, are Parliaments and Juries. These are the Stamina Vitæ, the very  
Essence



Essence of our Policy: the Dating Birth-right, the distinguishing Privilege of British Subjects; in short, the two great Hinges on which the whole weighty Frame of our Government hangs and turns. While these answer the wise and noble Ends of their Institution, we have nothing to fear from foreign or domestic Enemies.

But, my L—— if Parliaments should ever be cramped, or restrained in their natural, and necessary Freedom and Power; if they should be continued so long, as to forget whence, and for what Purposes, they derive their Authority; if, instead of receiving a Compensation, from their Constituents, for Attendance and Services, they should bribe, or otherwise, unjustly influence their Voices in Elections; if they, then should forget or disregard the fundamental Laws of the Institution, and so dissolve the original Compact, implied between the Representative and the Represented, by the very Act of Deputation or Election: by acting in Opposition to, or regardless of, the Will and true Interest of the People; if Electors should become, and publicly declare themselves, Venal: and the Representatives should follow the Example of their Constituents, — in Iniquity; if Laws should be made to gra-

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tify and aggrandise the Rich, and to oppress or restrain the Poor ; if Votes should be passed to obstruct, or restrain, the Execution of common or Statute Laws ; if Parliaments should forget, or become ignorant of, the fundamental Laws of Society, which are the Basis of their Being ; and thinking themselves circumscribed by nothing but their own absolute Wills, should extend Privilege to the screening wicked Men from Law and Justice, and so lord it over the People, with an imperial Sway ; at the same time tamely suffering the Nation to be ruled by Laws, to which they never did, nor could have, assented ; the Source of the enlivening Spirit of the Civil Constitution must be poisoned, the State must become distempered, and Ruin and Dissolution, if not timely remedied, must inevitably follow. From these dreadful Evils, the Wisdom, the Freedom, the Justice, and Loyalty of the present Legislature must certainly, secure us. We have I hope, nothing to fear, from that Quarter. Yet, my Lord, as human Nature is frail, and the Mind of Man, most variable ; a King, justly tenacious of the Prerogative, granted him for the Good of his Subjects as well as his own Security and Honor, and a People zealous for pre-  
servin



serving their natural Rights and Liberties, must ever be watchful, it not look on these their Delagates, with a jealous Eye.

Then, my L—— let our whole legislative Body be ever so wise, so just, so careful, it will answer little or no Purpose, if Juries, the general constitutional Judges of Right and Property, are in some Cases of Law, may not fully and freely exercise their Function. If ever the K—— Judges presume, to determine Causes, without Juries, or, which is the same thing, intimidate, or otherwise influence, Juries, to echo their L—— Dictates as Verdicts: or by any Means, or any Pretence, deny the Benefit of the Laws, in not admitting the aggrieved to a Trial of Matters of Property and Right, by a free Jury of their Peers: we must be reduced to the worst State of Slavery. All that is dear to us must become dependent on the Will of a Minister,——or of the Judge.

Your E——y must observe, how one irregular Motion, in any of the Wheels or Movements of the great Machine of Government, puts the whole into Disorder and Confusion. The particular Instances of such Cases, must be often too remote, to be seen, or immediately perceived, in your high Station: And since, I must presume, it is Your E——y's full Intention, to promote the  
true

ne and inseparable Interest of his  
 A——y and his Subjects, it can not be  
 ungrateful to receive Informations or  
 Hints conducive to the common Good,  
 even from one of the meanest of the  
 People. This, My L——d, by God's  
 good Providence, am I: Yet I take the  
 Liberty, of offering myself a candidate  
 for a new, and the highest Employ-  
 ment, at Court, tho' one, for which I  
 do not fear many Competitors; Truth-  
 Bearer to the K——g. Let me succeed  
 but in one Instance, if you Will. At  
 present, I shall only beg Leave to lay  
 the Grievances of Dublin, before your  
 E——y; particularly with Regard  
 to the Woollen Manufacture being  
 stripped of their best Rights and their  
 being denied the Benefit of trying a  
 Matter of Property of the last Conse-  
 quence to the whole City, by a Jury.

Permit then, My Lord, the Com-  
 plaints of an oppressed Freeman to come  
 before you; in Behalf of himself and  
 the rest of the injured, the spoiled Ci-  
 zens of this great and populous Me-  
 tropolis; and allow me to shew your  
 E——y, how a small Faction has  
 wrested from us the Rights and Privi-  
 leges naturally and legally inherent to  
 our Constitution, and how they are  
 with some few more, countenanced



countenanced in the Usurpation, by Men in Power,

It may seem irregular to make this direct personal Application to your E——y, for the Recovery of Matters of Property, or common Right, while the Courts of Law seem open. To them my L——d, my Fellow C——s and I have had Recourse. Had we been but heard, there would be no Occasion for giving Your E——y, this Trouble. But my L——d, we were not heard, We were denied, in a Court of Justice, a Matter of greater Consequence, than even what we su d for: That most invaluable, that distinguishing Privilege of B——b S——— a Trial, by a Jury. So that our Grievances, instead of being lessened, or alleviated, by our Suit at Law, were increased and aggravated. This it is, which has obliged me to lay the Case before your E——y, persuaded you will not think our Complaints unworthy of the Care and Consideration of the wisest and best of Governors.

Your E——y knows, that the Law is both the Measure and Bond, of the Duty and Allegiance of the Subject. And sure, My L—— whoever deprives the Subject of the Benefit of the Laws of his Country, does, as much as in him lies, dissolve the best Security of both K—— and People. Does not the K—— swear

swear to the People, before he is intrusted with the Government, that he will observe, and cause all the Laws to be kept, and equally and justly administered? Are not his Judges and other Ministers intrusted with the Custody of this Oath? And do not the Judges swear, that they will do equal Law, and Right, to all the King's Subjects, as well to poor, as rich; and not delay any Person of common Right, for the Letters of the K—— or of any other Person, or for any other Cause: But if any such Letter, should come to them, they shall proceed to do the Law. the said Letters notwithstanding? Were these Oaths, My L—— duly observed, or kept in the foregoing Case? I ask with due Reverence to my L—— the Judges, and submit it to your E——s Judgment.

Men, who have the best Laws for their common Security and good Government, and are, by those, who have the Custody, and the executive Power of these Laws, refused the common Benefits thereof; are reduced to a worse Condition than Barbarians, left in a rude State of Nature. There lawless, immoral Force is, not only allowable, but often, successfully used, to establish Rights and to obtain Freedom and to Justice. But, here, due Subjection to  
Laws



Laws forbids all Tendency to Violence :  
 let the Consequence be what it may !  
 What dreadful Pangs, then, must every  
 Man of the least Sense of Freedom feel,  
 in being thus refused the common Use  
 and Benefit of the Laws of his Country :  
 ———— Precedents, My L ——— are pow-  
 erful Things in Courts of Judicature.  
 ———— I may venture to say, if this be  
 established, that a few Repitions of it,  
 cannot fail, in Time, of giving a fatal  
 Shock to that Constitution, ———— with  
 all due Reverence and most humble  
 Submission to my L ——— the Judges

No Badge of the Norman Conquest  
 has been looked on, with so jealous an  
 Eye, by the free British Spirit, as the  
 Institution of Judges. As Creatures of  
 Prerogative, and for the most Part, de-  
 pendent, they have generally been ob-  
 served to pay more Regard to the Prin-  
 cipum Placita, than to the Plebiscita ;  
 to extend the one, and to abridge or  
 curtail the other ; and that by the most  
 unjust and illicit Methods. I speak  
 this with the utmost Respect and Reve-  
 rence due to our venerable Judges.

Your E ———y can be no Stranger  
 to the earlier wicked Attempts of the  
 English Judges, to destroy the British  
 Parliament ; and make K ——— R ———  
 the Second an absolute Monarch ; for  
 which

which, as soon as the Convulsions given the State were allay'd, the Chief Justice was hang'd, and the rest banished to Ireland; where, with humble Submission to our Lords the Judges, it is interpreted, they propagated.



